

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM

PZ 07-43-99

08/04/99 COUNCIL AGENDA ITEM

TO: Robert C. Middaugh, Town Administrator

FROM: Mark A. Kutney, AICP, Development Services Director

BY: Jeff Katims, AICP, Planner II

DATE: July 22, 1999

RE: Proposed Master-Planned Commerce Park (CP) District

The attached Ordinance is placed on the August 4, 1999, Town Council agenda for discussion in order to obtain feedback from Councilmembers, the public and development interests before finalizing the ordinance for first reading and adoption. The ordinance establishes the above-referenced zoning district intended to implement the Employment Center future land use plan designation. The Town does not currently have a zoning district to implement Employment Center, nor are there lands currently designated Employment Center.

The Employment Center future land use plan designation was created by Broward County for inclusion in the Broward County Land Use Plan and adopted by the Town in its land use plan. Permitted uses in Employment Center include light manufacturing, office, hotels and motels, and research facilities, but limits storage and retail uses to less than 50 percent of any development. Employment Center is intended to encourage types of development which may be compatible with residential and other less intensive land uses. Residential compatibility is important, because the few remaining parcels of land within the Town which are suitable for commerce type development are adjacent to residential communities. Council has been advised of a need to increase the tax base through conversion of vacant residential land to commerce type uses.

In practice, the plan designation does not always achieve its objective of residential compatibility. Recognizing this, the Broward County Commission created a new Employment Center designation (Employment Center-Low) to improve compatibility with less intensive land uses, and renamed the existing Employment Center designation to Employment Center - High. Employment Center -Low differs from the 'High' version by prohibiting light manufacturing, the use the Commission found to be most incompatible with less intensive uses. Staff anticipates processing a Future Land Use Plan amendment to revise the Town's Employment Center designation consistent with the County's modifications in January, 2002, which is the next plan amendment transmittal cycle.

The proposed Master-Planned Commerce Park (CP) District implements both the Town's Employment Center future land use plan designation and the County's split Employment Center designations. Town planning staff believes that although the County's Employment Center - Low designation is a more appropriate neighbor to less intensive land uses than the existing Employment Center designation, it still poses compatibility problems. The problems are addressed in the proposed zoning district through building placement and buffer standards, as well as use limitations. The proposed zoning designation is specifically intended for use adjacent to residential areas to implement the Employment Center -Low designation, but also accommodates more intensive development where compatibility is less of an issue and the corresponding plan designation is Employment Center -High. In every case, the district is specifically intended to promote the highest caliber development and a park-like appearance through strict development standards and more extensive peripheral setbacks and bufferyards than required elsewhere in the Town. The district is also intended for use in locations with traffic concurrency problems, as high traffic generators are restricted.

The proposed district's title reflects public feedback that the name 'Employment Center' carries a negative connotation, and therefore utilizes the terms 'planned' and 'park' which reflect the intent and design of the ordinance to establish well-planned, park-like centers of commerce.

The ordinance also amends Table 12-32, Table of Permitted Uses relative to the Wholesale use. The Code does not distinguish between wholesale related to manufacturing and distribution uses, and wholesale clubs open to the public, which have the parking and traffic generation characteristics of retail uses. The proposed amendment defines wholesale clubs, permits them in retail business districts (B-2, B-3 and BP), and prohibits them in all other districts. Currently, such clubs would be permitted in the CC, Commerce Center; C1, Heavy Commercial; and M-1, M-2, and M-3 Industrial Districts. all of which do not permit significant retail use.

Should Council direct staff to schedule the proposed ordinance for first reading, there will be one additional advertised public hearing coinciding with second reading.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE CODE OF ORDINANCES, ARTICLE III BY ADDING DIVISION II, ENTITLED, "MASTER-PLANNED COMMERCE PARK (CP) DISTRICT," SECTIONS 12-32.100 THROUGH 12-32.106 WHICH PROVIDE FOR DISTRICT INTENT, PERMITTED, RESTRICTED, PROHIBITED AND ACCESSORY USES, AND DEVELOPMENT STANDARDS; AMENDING SUBSECTIONS 12-32(B) AND (C) TO PROVIDE FOR WHOLESALE CLUBS IN THE WT, B-2, UC, B-3, AND BP DISTRICTS; AMENDING SECTION 12-503 TO PROVIDE FOR DEFINITIONS RELATING TO CP DISTRICT USES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie Comprehensive Plan provides for an Employment Center future land use plan designation; and

WHEREAS, the Town of Davie Code or Ordinances does not provide for a zoning district to implement the Employment Center plan designation; and

WHEREAS, the Town anticipates amending the Future Land Use Plan to provide for Employment Center - Low and Employment Center -High designations, consistent with the Broward County Land Use Plan in order to promote compatibility between Employment Center development and less intensive land uses; and

WHEREAS, the Town Council of the Town of Davie wishes to adopt a zoning designation to implement the existing Employment Center and proposed Employment Center - Low and - High designations; and

WHEREAS, the Town Council of the Town of Davie held noticed public hearings on August 4, 1999 and on the date of adoption of this Ordinance, noticed in accordance with Section 12-303 of the Code of Ordinances of the Town of Davie and Chapter 166.041, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the Town of Davie Code of Ordinances heretofore adopted by the Town Council be and the same is hereby amended to add Article III, Division II, Master-Planned Commerce Park (CP) District, Sections 12-32.100 through 12-32.106, pursuant to

Exhibit "A," attached hereto and made a part hereof.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 1999

PASSED ON SECOND READING THIS _____ DAY OF _____, 1999

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999

EXHIBIT “A”

Sec. 12-32. Table of permitted uses.

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS GENERAL USE

(Add the use ‘Wholesale Club’ as a permitted use by right, denoted with a ‘P’ in the WT &B-2 and UC& B-3 Districts, and as a prohibited use, denoted by an ‘N’ in the SC & B-1, O, FB, CC, C1 and RO Districts.)

(C) BUSINESS PARK AND INDUSTRIAL GENERAL USE

(Add the use ‘Wholesale Club’ as a permitted use by right, denoted with a ‘P’ in the BP District, and as a prohibited use, denoted by an ‘N’ in the M-1, M-2, and M-3 Districts.)

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DIVISION II. MASTER-PLANNED COMMERCE PARK (CP) DISTRICT.

Sec. 12-32.100. Intent/Purpose

The Master-Planned Commerce Park (CP) District is intended to implement the Employment Center classification of the Town of Davie Comprehensive Plan by providing for development of commerce parks that function as an integrated and planned unit. The CP District is specifically designed to promote compatibility with adjacent residential areas and the community as a whole, and accomplishes this through limitations on, or outright prohibition of, uses which are inherently incompatible with residential communities and which generate high automobile and truck traffic volumes and through appropriate buffering.

The CP District is consistent with the Employment Center - Low and Employment Center- High designations, as uses prohibited in the Employment Center Low designation are also prohibited in any corresponding CP District.

Sec. 12-32.101. Permitted Uses.

- (1) Banks, Financial Services
- (2) Catering (Food)
- (3) Contractor, office only
- (4) Day Care , Adult or Child
- (5) Fabrication and Assembly

- (6) Government Buildings/Municipal Public Service/Postal Facilities
- (7) Laboratory
- (8) Motion Picture, Television Studio
- (9) Offices, including medical, real estate, sales, etc.
- (10) Photographic Studio
- (11) Printer
- (12) Radio or TV Station
- (13) Research and Development Facility
- (14) Restaurant, Full Service
- (15) Studios (Art, Music, Dance)
- (16) Vocational, Trade School
- (17) Wholesale

Sec. 12-32.102. Restricted Uses.

The following uses are permitted subject to the standards associated with each use:

- (1) Agriculture, until such time the land is developed for another permitted use.
- (2) Hotels, Motels, subject to a 3 acre minimum parcel size.
- (3) Light Manufacturing, subject to a corresponding Employment Center/Employment Center -High land use plan designation.
- (4) Motor Fuel Pumps, provided they are accessory to a government facility and not available for public use.
- (5) Residential Use, without the need to amend the Town land use plan map, provided that flexibility or reserve units are applied to the parcel consistent with the provisions of the adopted Comprehensive Plan of the Town of Davie. Residential Use is permitted in the Regional Activity Center (RAC) designation subject to the maximum number of residential units permitted within the RAC , but without the need to amend the Town land use plan map, without the need to apply flexibility or reserve units and without regard to the provisions set forth below:
 - (a) For mixed use CP developments greater than 10 acres in size, freestanding multi-family uses are permitted provided the gross residential acreage does not exceed the smaller of 40 percent of the total gross acreage of the CP development or 20 acres,;
 - (b) Residential densities of between 10 and 16 dwelling units per acre are permitted. Development within the residential component of the CP development shall be

governed by the development standards of the residential zoning district which permits the given density. Peripheral setbacks and bufferyards shall be governed by the development standards of the CP District, including setbacks between residential and nonresidential uses, and between a CP development and adjacent uses.

- (6) Satellite Dish Antennae, subject to Special Permit from Town Council if greater than 4 feet in diameter and located closer than 500 feet to any residential use or zoning, or roadway exterior to the CP development, and if exceeding 12 feet in diameter, regardless of location. Satellite dish antennae shall be fully screened from the view of residential uses or zoning and public streets through the use of berms, walls, fences, shrubs, hedges, trees or any combination thereof; provided that when walls and/or fences are used they shall not exceed eight (8) feet in height, and shall be planted with shrubs, hedges or trees for 50 percent of the length of the outboard view of such wall or fence. The plant materials used shall achieve a full cover appearance within six (6) months of planting, and shall be in conformance with Town Code requirements. Provisions regulating dish antennae adjacent to residential use or zoning shall not apply adjacent to residentially zoned vacant land if such land is land-use-plan designated for commercial use and no residential reserve units have been applied to said land.

Section 12-32.103. Accessory Uses

Accessory uses, including but not limited to those listed below, are permitted within structures housing a principal permitted use, provided the accessory uses occupy less than 50 percent of the gross acreage of a CP development and less than 50 percent of any principal use and structure housing a principal permitted use, unless otherwise noted below, and subject to any further requirements listed below:

- (1) Microbreweries, accessory to a restaurant
- (2) Personal services and retail uses, limited to the following, shall not cumulatively comprise more than 20 percent of the gross developable acreage of a CP development and shall not be entitled to individual freestanding signage:
 - (a) Athletic/Health Clubs, Gyms, indoor recreation
 - (b) Bakery, Delicatessen
 - (c) Barber, Beauty Shops
 - (d) Bars, Lounges , Dance halls, Nightclubs accessory to a hotel or motel
 - (e) Bookstores, Newsstand
 - (f) Cafeteria, Restaurant

- (g) Convenience Store
 - (h) Dry Cleaning
 - (i) Florist, Plant Shop
 - (j) Game room, arcade accessory to a specific permitted use (ex: hotel, motel).
 - (k) Gift Shops
 - (l) Nursery, Adult, Child Care Facility
 - (m) Office Equipment Sales
 - (n) Pharmacy
 - (o) Repair Shop (non-vehicular)
 - (p) Restaurant, fast food, without drive-thru
 - (q) Video rentals
- (3) Recreation, open space
 - (4) Storage, distribution; may comprise no more than 35 percent of any structure and use. Does not include distribution centers as defined in Section 12-503.
 - (5) Utilities

Section 12-32.104 Prohibited Uses

The CP District is not intended to permit medium and heavy manufacturing, medium and heavy industrial uses, or heavy commercial uses. Any use which is inconsistent with this intent and is not specifically identified as a permitted use shall be prohibited. The following uses are specifically prohibited:

- (1) Adult Entertainment Facilities
- (2) Amusement Parks
- (3) Animal Hospital
- (4) Animal Kennel
- (5) Antique, Crafts Shops
- (6) Auction House
- (7) Bingo Establishments
- (8) Boat Yards
- (9) Bottled Fuel
- (10) Bowling, Skating
- (11) Brewing/Distilling of Malt Beverages, Liquors
- (12) Cabinet/Carpentry Shops
- (13) Car Wash
- (14) Cement, Concrete, Lime
- (15) Convenience Store, Freestanding
- (16) Food Processing Facility
- (17) Foundry, Drop Forging
- (18) Gardeners, Landscape Contractors
- (19) Golf Courses
- (20) Heavy Manufacturing
- (21) Junk Yards
- (22) Landfill/Trash, Garbage Disposal
- (23) Machine Shop
- (24) Medium Manufacturing

- (25) Mini Warehouse/Self Storage
- (26) Mining
- (27) Mobile Home Sales
- (28) Mortuary
- (29) Movie Theater, Performing Arts
- (30) Parking Lot, Rental
- (31) Pawnshop
- (32) Petroleum Storage, Refining, Distribution, etc.
- (33) Pool Rooms
- (34) Private Club
- (35) Sales of construction equipment
- (36) Sandblasting
- (37) Slaughter Yards
- (38) Schools-Special, Private
- (39) Service Stations
- (40) Sheet Metal Shop
- (41) Special Residential Facilities
- (42) Sports Arena
- (43) Telecommunication Towers
- (44) Trash Transfer Station
- (45) Truck Stop
- (46) Vehicle Towing/Storage
- (47) Vehicle, Boat, Truck Sales
- (48) Vehicle Customizing
- (49) Truck, Auto, Trailer, Utility Rental
- (50) Vehicle Boat, Truck Sales
- (51) Vehicle, Boat, Truck Repair, Major
- (52) Vehicle Repair, Minor
- (53) Vehicle Towing

Sec. 12-32.105. Limitations of Use.

- (1) All land included for the purpose of development in the CP District shall be owned or under the control of the petitioner for such zoning designation, whether that petitioner be an individual, partnership, corporation, or a group of individuals, partnerships or corporations. The petitioner shall present firm evidence of unified control of the entire area within the proposed development and shall state agreement that, if the petitioner proceeds with the proposed development, same will:
 - (a) Do so in accordance with the officially approved conceptual master plan of the development, and such other conditions or modifications as may be attached to the development;
 - (b) Provide agreements, covenants, contracts, deed restrictions nor sureties acceptable to the council for completion of the undertaking in accordance with the

adopted conceptual master plan as well as for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at general public expense;

- (c) Bind development successors in title to any commitments made under items (a) and (b) proceeding.
- (2) Rezoning to the Master-Planned Commerce Park District shall require a conceptual master plan showing generalized building locations, access; internal roadway layout and on-site circulation system; the maximum square footage of development; perimeter landscaping and buffering; and other unique design features including, by way of example, lakes, recreational trails, common open space, wetlands, etc.
- (3) All activities within the CP District shall take place within completely enclosed structures, except as identified below:
 - (a) Agricultural uses, until such time as the land is developed for another use.
 - (b) Communication antennae and apparatus
 - (c) Recreation and Open Space, including facilities appurtenant to hotels, motels and residential use.
 - (d) Designated seating areas when utilized as an accessory use to a restaurant, pursuant to an approved site plan.
- (4) All exterior loading doors shall remain fully closed except during loading and unloading. Such doors shall not face adjacent residential districts zoning or uses, nor be located within 100 feet of same. Exterior loading areas shall be screened from direct view through the use of a wall, fence or landscaped berm as recommended by the site plan committee.

Sec. 12-32.106 Development Standards

Intent: to promote planned, coordinated development rather than piecemeal, unrelated development.

(A) Parcel dimensions, area:

<u>Min. size of unified CP development:</u>	<u>10 acres</u>
<u>Min. lot or lease area:</u>	<u>2 acres</u>
<u>Min. lot frontage:</u>	<u>250 feet</u>

(B) Required Yards:

Intent: to promote attractive, well-landscaped development that is compatible with residential development.

(1) Perimeter Setback Adjacent to Residential:

Where a property line or lease line of a parcel abuts a residential use or zoning district, every building adjacent to such property line shall be set back at least 100 feet from that property line.

(2) Perimeter Setback adjacent to major roadways:

Where a property line or lease line abuts an arterial or collector roadway, every adjacent structure shall be set back at least 100 feet from that property line.

(3) Where a property line or lease line abuts a canal or public utility transmission easement/right-of-way at least 50 feet in width, every adjacent structure shall be set back at least 50 feet from that property line.

(4) Perimeter Setback to Nonresidential:

Where a property line or lease line abuts a nonresidential use or zoning district, including other parcels within a Master-Planned Commerce Park development, the minimum structure set back from such property line shall be as follows:

<u>Front of Building:</u>	<u>35 feet</u>
<u>Rear of Building:</u>	<u>25 feet</u>
<u>Sides of Building:</u>	<u>10-25 feet*</u>

*each minimum required side setback shall be 5% of the parcel frontage, but shall not be less than 10 feet or greater than 25 feet.

(C) Landscape Buffers:

Landscape buffers are required along all property lines. Walls, fences or hedges are required along exterior rights-of-way and may be required along other exterior property lines as determined by the Site plan Committee. Abutting rights-of-way shall have the visual enjoyment of the landscape buffer. The Site Plan Committee shall determine wall and fence locations along exterior CP development property lines which abut other uses in order to properly screen abutting uses while avoiding the creation of neglected landscape yards isolated between walls and fences on two adjacent properties. Landscape buffer widths shall be as follows:

(1) Contiguous to to residential use or zoning: 50 feet

(2) Adjacent to residential use or zoning, but separated by a canal or primary transmission

right-of-way with minimum 50 foot width: 10 feet

(3) Abutting nonresidential use or zoning: 10 feet

(4) Abutting arterial or collector roadway: 50 feet

(5) Abutting a local access roadway: 10 feet

(D) Maximum Building Height:

(1) For CP developments under 200 acres in area: 35 feet

(2) For CP developments 200 acres and larger in area, the maximum building height shall be 35 feet when a structure is within 500 feet of any residentially planned or zoned lands, regardless of separation by easements or rights-of-way, provided that additional separation shall increase the allowable height one (1) foot for each five (5) feet of additional setback from residentially utilized for zoned lands, further provided that no building or structure shall exceed five (5) floors or 70 feet in height.

(E) Site Coverage:

(1) Max. Bldg. Coverage: 40% of site area

(2) Min. Open Space/Landscaped Area: 30% of site area

(F) Loading Areas:

Loading doors shall not face residential property lines or residential zoning, and shall not be located within 100 feet of a residential property or zoning line. This provision shall not apply adjacent to residentially zoned vacant land if such land is land-use-plan designated for commercial use.

(G) Garbage Dumpsters:

Garbage dumpsters shall not be located closer than 50 feet to the property line of a residential use or a residential zoning district boundary. This provision shall not apply adjacent to residentially zoned vacant land if such land is land-use-plan designated for commercial use.

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Sec. 12-503. Definitions.

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Distribution Center: A facility to which materials or goods are

shipped by truck, sorted or stored, and then from which such materials or goods are loaded onto trucks for the purpose of shipping same to their final destination. Such facilities function solely to receive and ship materials or goods, and are characterized by a continuous volume of truck traffic during both on-peak and off-peak hours. Also referred to as *motor freight terminals*.

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Fabrication and Assembly: The production and distribution from standardized parts of a distinct object differing from the individual components involving material with a form and substance (as opposed to liquid or gas) with physical, as opposed to chemical, mating or joining of the individual parts.

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Laboratory: An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which shall include all of the following: an establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession or to patients therefore; dental labs; labs for testing, inspecting, calibrating, and/or certifying products or equipment; or laboratories engaged in other activities provided that no laboratory shall involve other than the incidental use of chemicals, radiation, or pathogens.

* * * * *

Manufacturing, Light: the processing, fabrication, assembly, treatment, packaging, and incidental storage, sales and/or distribution of finished products or parts predominantly from previously prepared materials, but excluding basic industrial processing utilizing extracted or raw materials, or storage or manufacturing processes that potentially involve hazardous chemicals, toxic byproducts, air or water emissions, noise, odor, vibration or other offensive conditions detectable outside of the structure housing the light manufacturing operation.

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Motion Picture, Television Studio: establishments engaged in motion picture, videotape or television production, and services relating thereto, including casting bureaus, developing and printing of film, editing of film, stock footage film libraries, motion picture film processing, motion picture laboratories, rental of motion picture equipment, studio property rental for motion picture film production, TV tape services, wardrobe rental, motion picture booking agencies, and similar uses.

* * * * *

Research and Development Facility: an establishment primarily engaged in computer/electronics research, engineering research, food research, social research, educational research, scientific research, or other, similar research and/or research-based development of products, technology or information. Research and development facilities shall not involve use of chemicals, radiation, or pathogens for other than incidental use, and shall not involve manufacturing within an Employment Center -Low

plan designation.

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Retail: The sale, exchange or trade of merchandise, goods or items in small quantities to individual consumers, excluding personal services uses.

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Warehouse: A building or portion thereof in which goods or merchandise produced by or used by a business are stored until distributed or utilized.

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Wholesale: The sale or distribution of goods or items in bulk or large quantity at costs below market price to business entities and not directly to individual consumers or members of the general public. Wholesale clubs are not included in this definition.

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Wholesale Club: Businesses that sell goods or items in bulk or large quantity at costs below market price to members of the public or businesses, and may require a membership in the wholesale club.